

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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LLOYD J. HELLER,	:	
	:	
Plaintiff,	:	07 Civ. 3704 (RWS)
	:	
v.	:	
	:	
GOLDIN RESTRUCTURING FUND, L.P.,	:	ELECTRONICALLY FILED
GOLDIN CAPITAL PARTNERS, L.P., GOLDIN	:	
CAPITAL MANAGEMENT, L.P., GOLDIN	:	<u>NOTICE OF MOTION</u>
ASSOCIATES, L.L.C., HARRISON J. GOLDIN,	:	
DAVID PAUKER, and LAWRENCE J. KRULE,	:	
	:	
Defendants.	:	
	:	
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law dated October 22, 2007, the exhibits attached thereto, and all other papers and proceedings herein, Defendants Goldin Restructuring Fund, L.P., Goldin Capital Partners, L.P., Goldin Capital Management, L.P., Goldin Associates, L.L.C., Harrison J. Goldin, David Pauker, and Lawrence J. Krule (collectively, "Defendants"), by and through their undersigned attorneys, will move this Court before the Honorable Richard J. Sullivan, at the United States District Courthouse, 500 Pearl Street, New York, New York, 10007, on a date and at a time designated by the Court, for an Order, pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and Sections 21D and 21E of the Private Securities Litigation Reform Act, dismissing the Complaint in its entirety for failure to state a claim, failure to plead fraud with particularity, and such further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Stipulation and Order entered by the Court on October 16, 2007, opposing papers are to be served and filed by November 28, 2007, and reply papers are to be served and filed by December 12, 2007.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 2(E) of this Court's Individual Practices, oral argument on the motion shall be on a date and at a time designated by the Court.

DATED: October 22, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By 
Daniel L. Brockett, Esq. (DLB-3192)
Attorneys for Defendants

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